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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,145	01/02/2002	Franklin Zhigang Zhang		9392
48910	7590	06/29/2005		
FRANKLIN ZHIGANG ZHANG 4808 LAURETTE STREET TORRANCE, CA 90503			EXAMINER LEMMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,145

Applicant(s)

ZHANG, FRANKLIN ZHIGANG

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. **Claims 1-14** have been examined.

**Priority**

2. This application claims priority to provisional application 60/259,500 filed on Jan 3, 2001.
3. Therefore, the effective filing data for the subject matter defined in the pending claims of this application is 01/03/2001.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 & 10** are rejected under 35 U.S.C. 102(b) as being anticipated by **Chumbley** (hereinafter referred as **Chumbley**)(U.S. Patent 5,610,383)
6. **As per claim 1** **Chumbley** discloses an election system [**Abstract, 1<sup>st</sup> line**] ( **A device and method for collecting voting data is disclosed**), comprises  
  
the tally system, [column 5, lines 5-7](**The voting data is thereafter sent to the central processor for storage and tallying in the manner described above**) graphic identification system, [column 3, lines 5] (**bar code scanner device**) data center server,[**Abstract, last line**] (**host computer/central facility**)

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database,[column 2, lines 28-30] (**database containing all registration numbers**) digital security identification system,[figure 3, ref. Num "70"](**Magnetic strip and/or bar code reader**) digitalized ballot [See figure 6, "the bar code"] and vote stamp [Figure 6, reference, "**Validation Stamp**").

7. **As per claim 10** Chumbley discloses an election system as applied to claim 1 above. Furthermore Chumbley discloses the system wherein the data center server and database of the claim1 store the counting result achieved by the tally system and graphic identification system. [Abstract, last 2 lines; column 4, lines 59-61]

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-9** are rejected under 35 U.S.C. 103(a) as being anticipated by over Chumbley (hereinafter referred as Chumbley)(U.S. Patent 5,610,383) in view of McClure et al (hereinafter referred as McClure)(U.S. Patent 6,250,548 B1)
10. **As per claim 2** Chumbley discloses an election system [Abstract, 1<sup>st</sup> line] ( A device and method for collecting voting data is disclosed), comprises

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the tally system, [column 5, lines 5-7](**The voting data is thereafter sent to the central processor for storage and tallying in the manner described above).**

**Chumbley** does not explicitly disclose

- The tally system comprising multiple tally units which can be linked together by LAN or internet.

However, in the field of endeavor **McClure discloses,**

- The tally system comprising multiple tally units which can be linked together by LAN or internet. [Column 4, lines 38-44; Abstract, last three lines; column 4, lines 45-57]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to employ the features of multiple tally units which can be linked together by LAN/internet as per teachings of **McClure** in to the method as taught by **Chumbley** in order to provide convenience to the voters.

11. **As per claims 3 & 5-6** the combination of **Chumbley and McClure** discloses an election system with the tally unit as applied to claim 2 above. Furthermore **Chumbley** discloses the tally unit comprises barcode reader, [column 2, lines 38] computer system, distributing mechanism unit and after-count ballots processing units.[column 3, lines 9-10]
12. **As per claim 4** the combination of **Chumbley and McClure** discloses an election system with the tally unit as applied to claim 3 above. Furthermore **Chumbley** discloses the barcode reader scanning the ballots and read the barcode message on the ballot. [column 4, lines 41-42](**The reader device is structured to scan and read the ballot card**)

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13. **As per claim 7-9 As per claims 1** **Chumbley** discloses an election system [Abstract, 1<sup>st</sup> line] (A device and method for collecting voting data is disclosed), comprises the tally system, [column 5, lines 5-7](The voting data is thereafter sent to the central processor for storage and tallying in the manner described above) graphic identification system, [column 3, lines 5] (bar code scanner device)

**Chumbley** further discloses after-count ballots processing. [column 3, lines 9-10]

**Chumbley** does not explicitly disclose

- The graphic identification system comprising multi graphic identification units which can be linked together by LAN or internet.

However, in the field of endeavor **McClure discloses**,

- The graphic identification system comprising multi graphic identification units which can be linked together by LAN or internet.[figure 1, Column 4, lines 38-44; Abstract, last three lines; column 4, lines 45-57]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to employ the features of multi graphic identification unit which can be linked together by interent/LAN as per teachings of **McClure** in to the method as taught by **Chumbley** in order to improve confidenece in the voting public and accurately convert the voter's selection.[**See McClure**, Column 3, lines 37-40 & column 3, lines 34-36]

- 14 **Claims 11-12** are rejected under 35 U.S.C. 103(a) as being anticipated by over **Chumbley** (hereinafter referred as **Chumbley**)(U.S. Patent 5,610,383) in view of **Challener et al** (hereinafter referred as **Challener**)(U.S. Patent **6,081,793**)

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15. **As per claims 11-12 Chumbley** discloses an election system [**Abstract, 1<sup>st</sup> line**] (**A device and method for collecting voting data is disclosed**), comprises the tally system, [column 5, lines 5-7](**The voting data is thereafter sent to the central processor for storage and tallying in the manner described above**) graphic identification system, [column 3, lines 5] (**bar code scanner device**) data center server,[Abstract, last line] (**host computer/central facility**) database,[column 2, lines 28-30] (**database containing all registration numbers**) digital security identification system,[figure 3, ref. Num “70”](**Magnetic strip and/or bar code reader**) digitalized ballot [See figure 6, “the bar code”] and vote stamp [Figure 6, reference] ( **“Validation Stamp”**)

**Chumbley** does not explicitly disclose the digital security identification system which can be linked to the data center server and database to provide local vote station and/or online and/or telephone pre-vote identification for the validity of the voter and the ballot.

However, in the field of endeavor **Challener discloses** the digital security identification system which can be linked to the data center server and database to provide local vote station and/or online and/or telephone **pre-vote identification for the validity of the voter and the ballot by providing a smart card for the voters.**[column 3, lines 26-29; figure 6, reference “345”].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to employ the features of pre-vote identification as per teachings of **Challener** in to the method as taught by **Chumbley** order to verify/identify the legitimate registered voters from the other voters and enforce security.

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16. **Claims 13-14** are rejected under 35 U.S.C. 103(a) as being anticipated by over **Boram** (hereinafter referred as **Boram**)(U.S. Patent 4, 641,240) in view of **Chumbley** (hereinafter referred as **Chumbley**)(U.S. Patent 5,610,383)

17. **As per claims 13-14 Boram** discloses a method of ease and security election, comprises pre-vote ballot and voter security identification [Column 5, lines 25-29] (Those skilled in the art will recognize that one problem which is faced in elections is that of absentee ballots. This is required **when a registered voter** is unable to be physically at the polling place at the time of the election but wishes to vote regardless. The registered voters before they are registered, the system will inherently make a voter security identification to differentiate eligible voters from ineligible voters. Pre-vote ballot and voter security identification is thus inherently done for every voters.);

- Voter voting by placing the vote stamp on to the ballot;[column 5, lines 25-37; column 9, lines 24-27; figure 7] (**The voter removes the labels corresponding to the candidates he favors and sticks them to the ballot in a position corresponding to the office**) ballot tallying; [column 8, lines 17-18] (**An accurate tally of the results of the election is available and can be obtained**)

**Boram** does not explicitly disclose graphic identifying un-regular ballot if necessary.

However, in the same field of endeavor, **Chumbley** discloses collection of ballot for conducting further verification in the event a subsequent verification or a recount of the voting results becomes necessary. [column 3, lines 6-10]



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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of keeping the ballot for possible recount if a subsequent verification or a recount of the voting results is found to be necessary and inherently identifying un-regular ballot through this verification process as per teachings of **Chumbley** in to the method taught by **Boram**, in order to provide accuracy and security in the election process.

### ***Conclusion***


18 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on. The fax phone number for the organization where this application or proceeding is assigned is 571-272-3799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**  
**S.L.**  
**06/20/2005**

  
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